

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAKOTA JAMES
BARKSDALE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELE ANN BARKSDALE,

Respondent-Appellant,

and

JAMIE ALAN BARKSDALE, Deceased,

Respondent.

UNPUBLISHED

March 18, 2004

No. 247737

Wayne Circuit Court

Family Division

LC No. 01-397845

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent Michele Barksdale appeals as of right from the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (i). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree. We review the trial court's findings of fact for clear error. *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The evidence clearly and convincingly showed that respondent's parental rights to another child were previously terminated because of abuse and that respondent failed to gain insight into the underlying emotional and psychological problems that kept her from protecting that child. The child in this case had been in foster care for approximately two years, during which time respondent terminated therapy with the recommended therapist and had only recently found a counselor on her own. The evidence also indicated that respondent had made little progress in therapy and would require significant additional therapy before she could expect to provide proper care and custody. Although respondent was able to find suitable housing, she failed to resolve the more serious emotional and psychological issues that prevented her from properly parenting the child.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra*. Although respondent argues that the trial court should have continued the guardianship to allow her more time to prepare for the child's return, respondent opposed the guardianship below. The trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette